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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/209,280	12/11/98	JUNG	H 4805.0072-02

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EXAMINER

YOUNG, W

ART UNIT

PAPER NUMBER

2753

DATE MAILED:

03/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/209,280

Applicant(s)
Jung et al.

Examiner
W. R. Young

Group Art Unit
2753



☒ Responsive to communication(s) filed on 12/11/98

☐ This action is **FINAL**.

☐ Since this application is in-condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 7-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 7-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/307,288.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2753

1. New claims 9-16 have been renumbered as claims 7-14, because there were only claims up to claim 6.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is inadequate disclosure of the claimed "processing means". The disclosure on page 8, last two lines - page 9, line 22 (likewise on page 5), includes demodulation of data signals corresponding to accompaniment sound/vocal sound and accompaniment sound. The disclosure then recites a desired resulting output of a "processing means" of data signals corresponding to accompaniment sound/vocal sound and vocal sound, without any explanation of how such is derived. Clearly there would be undue experimentation on the part of one of skill in the art to make and use the invention. Further, there is inadequate disclosure of how "stereophony" sound is produced from the mere switching of the above two inadequately disclosed "processing means" output data signals (see page 12). The input signals listed are both monophonic signals. See page 3, middle, "Special Music Program", "mono without vocal", "mono with vocal".

Art Unit: 2753

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 7-14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ostrover et al.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of any one of Ostrover et al., Kim, Silverman et al., Otsubo et al. '253, or Otsubo et al. '728.

Applicant's admitted prior art in the reproduced audio signal processing art, discloses all the subject matter claimed, except for the claimed selector and selecting step for selecting one of a plurality of separated audio signals reproduced from a record medium. Note pages 1-4 and figures 1-2 of the specification.

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Each one of the secondary references in the reproduced audio signal processing art, discloses selecting one of a plurality of separated audio signals reproduced from a record medium, in order to provide a more pleasurable presentation experience to an end user. See the figures and the abstracts.

It would have been obvious to one of ordinary skill in the art at the time of the invention by applicant to provide selecting one of the plurality of separated audio signals reproduced from the record medium of the admitted art as suggested by any one of the secondary references, the motivation being to provide a more pleasurable presentation experience to an end user.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. R. Young whose telephone and VoiceMail number is (703) 308-1554. If a plurality of attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Psitos, can be reached on (703) 308-1598.

The appropriate fax phone number for the organization (Group 2750) where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Wayne R. Young
Primary Examiner
Art Unit 2753

wry
March 19, 1999